

# Regulatory Committee

1.30pm, Monday, 22 October 2018

## Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Testing of Vehicles

Item number	7.4
Report number	
Executive/routine	
Wards	All
Council Commitments	N/A

### Executive Summary

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Following the decision of the Committee to introduce a Taxi and Private Hire Cars (PHC) Age Limitation and Emission Standards policy, the Committee instructed the Executive Director of Place to monitor the ongoing implementation of this policy. Should any unforeseen issues arise these were to be reported back to the committee so that they could consider the implementation of the policy.

This report provides the Committee with an update on the implementation of the policy, and advises that there is an issue with vehicle applications received prior to 1 October 2018 seeking to upgrade vehicles to Euro 5s which are not part of City of Edinburgh's current licensed fleet of vehicles.

## Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Testing of Vehicles

### 1. Recommendations

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- 1.1 The Regulatory Committee is asked to:
  - 1.1.1 Note the contents of this report; and
  - 1.1.2 Agree that all applications for either the grant or variation of a Taxi or PHC licence which seek to license Euro 5 vehicles received prior to 1 October 2018, which have not yet been tested, can remain within the licensing system and be tested after this date.

### 2. Background

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- 2.1 The licensing of taxis and PHCs is an optional activity in terms of the Civic Government (Scotland) Act 1982 (the Act). The City of Edinburgh Council, as Licensing Authority under the Act, passed a resolution in terms of Section 9 of the Act to the effect that Sections 10 to 23 of the Act shall have effect throughout the city, and that licences shall be required for taxis and PHCs from 1 July 1984 (The City of Edinburgh Taxi and Private Hire Car Driving Resolution 1983).
- 2.2 Section 10 of the Act requires the licensing authority to be satisfied as to the suitability in type, size and design of a vehicle for use as a taxi or PHC before granting or renewing a taxi licence or a PHC licence.
- 2.3 In terms of the Act, when granting or renewing a licence, in addition to any mandatory or standard conditions to which the licence is subject, the licensing authority may (a) disapply or vary any standard conditions so far as is applicable to the licence; and (b) impose conditions. The conditions shall be such reasonable conditions as the licensing authority thinks fit.
- 2.4 On 16 March 2016 the Regulatory Committee agreed:
  - 2.4.1 a revised policy on Taxis and PHCs, outlined in Appendix 1, to take effect on 7 May 2018 included
    - (i) introduced an age limitation in respect of taxis and PHCs; and

- (ii) will incrementally increase the minimum emissions standards for the engines in these vehicles, which will improve emissions standards;
- 2.5 The committee instructed Council Officers to monitor the ongoing implementation of this policy and should any unforeseen issue arise report these back to the committee so they could consider any modifications of the policy which would assist with its ongoing implementation.

### 3. Main report

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- 3.1 The Council previously approved standard licensing conditions for taxi and private hire car vehicles and drivers in 2016. These conditions were updated following the decision of the Regulatory Committee to introduce a Taxi and Private Hire Cars Age Limitation and Emission Standards policy and conditions (Appendices 1 and 2).
- 3.2 The latest policy milestone was **effective 1 October 2018**, when no Taxi or PHC would be accepted for licensing as a Taxi or PHC or as a replacement vehicle for an existing Taxi or PHC licence unless it is a Euro 6. This prevents Euro 5 or below vehicles which are not part of the current City of Edinburgh licensed fleet of vehicles from being tested and licensed. Members will recall that there was evidence that a number of licensed taxi operators were replacing vehicles by purchasing older second hand taxis, which were no longer suitable for licensing in the authority that they were originally licensed. These second hand vehicles had become available because they failed emission or age standards in those authorities. This measure therefore prevents a short term increase of vehicles which would require to be further replaced when this Council's higher emission standards take effect.
- 3.3 A significant number of applications for replacement vehicles were received from current licence holders wanting to upgrade their vehicles to Euro 5, and from new prospective licence holders, in advance of the 1 October deadline. This has had an impact on the Taxi Examination Centre's ability to examine all of the vehicles prior to the 1 October deadline, in addition to ensuring delivery of existing workloads.
- 3.4 There are currently 70 applications within the licensing system which required vehicles to be tested prior to 1 October 2018 and allow owners to upgrade or licence new Euro 5 vehicles.
- 3.5 The number of owners wishing to comply with the policy is to be commended and demonstrates a willingness to modernise the taxi and private hire fleet. In support of the trade and to ensure that owners are not penalised, it is proposed that all applications for either the grant or variation for a Taxi or Private Hire Car licence which seek to licence Euro 5 vehicles received prior to 1 October 2018,

which have not yet been tested, can remain within the licensing system and be tested after this date.

- 3.6 It is anticipated that all vehicle examination will be completed by December 2018.
- 3.7 Council officers continue to monitor the introduction of the policy and a further report on progress will be reported back to the committee.

#### **4. Measures of success**

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- 4.1 That the standard of the licensed hire fleet is maintained at a level to be expected in the capital city, delivering improvements that:
  - a) Provide safe and efficient transport options for residents and visitors;
  - b) reduce carbon emissions;
  - c) improve air quality; and
  - d) contribute to meeting UK air quality objectives (AQO).

#### **5. Financial impact**

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- 5.1 Overall the change to conditions will not create any additional costs to the Council budget. The mitigation measures previously agreed (allowing any operator who applies to change their vehicle without paying the normal change of vehicle variation fee) are estimated at £60,000 over four years. This will be contained within the licensing budget.
- 5.2 The Council's scale of fees for licensing applications was approved with effect from 1 April 2018. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 The development of policy in respect of the licensing of taxis and private hire cars is part of the wider policy-making role for the Council. It is essential that all strategic aims of the Council are considered, and that where appropriate the taxi and private hire car licensing policy is consistent with these aims.
- 6.2 Air Quality Management Areas have been declared at five areas across the city where air quality assessment has identified that UK air quality objectives (AQO) are not being met.

## **7. Equalities impact**

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- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.2 The contents and recommendations described in this report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.

## **8. Sustainability impact**

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- 8.1 This will reduce the carbon footprint of the taxi and private hire car trade within the city and contribute to the Council's Sustainable Energy Action Plan to reduce carbon emissions across the city by 42% by 2020.

## **9. Consultation and engagement**

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- 9.1 Representatives from the taxi and private hire car trade were consulted at meetings of the Hire Car Consultation Group on 4 October 2016, 1 March 2017, 30 November 2017 and 2 February 2018.
- 9.2 An online consultation was published on the Council's Consultation Hub between 21 April and 2 June 2017. 718 responses were received. The outcome of the consultation was the subject of a report to the Regulatory Committee on 23 October 2017.
- 9.3 The Regulatory Committee Meeting on 16 March 2018 heard deputations from Trade representatives.
- 9.4 Council officers continue to discuss implementation with the trade during regular meetings

## **10. Background reading/external references**

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- 10.1 None

## **11. Appendices**

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- 11.1 Appendix 1 - Taxi and Private Hire Cars Age Limitation and Emission Standards new policy agreed by the Regulatory Committee on 16 March 2018.
- 11.2 Appendix 2 - Licensing Conditions

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**Appendix 1- Taxi and Private Hire Cars Age Limitation and Emission Standards  
new policy agreed by the regulatory committee on 16 March 2018.**

**Taxi or PHC licensed by the City of Edinburgh Council**

**Age Limit**

1. **Effective 1 April 2020** there will be an Age Limit applied to Taxis and Private Hire Cars (PHC) licensed by the City of Edinburgh Council, Subject to meeting normal conditions about roadworthiness, a taxi and PHC can be submitted for test prior to the 10<sup>th</sup> anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
2. **Effective 1 April 2020** Any Taxi or PHC which is converted to LPG will be an exception to the above age limit and allowed an additional 4 years of operation. Subject to meeting normal conditions about roadworthiness a converted vehicle can be submitted for test prior to the 14<sup>th</sup> anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

**In addition to vehicles requiring to meet the above age limits, the emission standards set out below will also apply with the relevant date for both age limitation and emission standards being the earliest date applicable in either category.**

**Emission Standards**

3. **Effective 1 April 2019** no Taxi or PHC will thereafter be accepted for test unless it is Euro 5 or above. Any Euro 0-4 Taxi or PHC which has passed its test and is licensed prior to 1 April 2019 may continue to be operated until its licence expires or **31 Mar 2020** whichever date is earliest.
4. **Effective 1 April 2022** no Taxi or PHC will thereafter be accepted for test unless it is Euro 6 or above. Separately to this requirement, any Euro 5 Taxi or PHC that has passed its test and is licensed prior to 1 April 2022 may continue to be operated until its licence expires or **31 Mar 2023** whichever date is earliest.

### **Taxi or PHC not currently licensed by the City of Edinburgh Council**

5. **Effective 7 May 2018**, no vehicle will be accepted for licensing as a Taxi or PHC or as a replacement vehicle for an existing Taxi or PHC licence unless it is either Euro 5 or 6.
  
6. **Thereafter effective 1 October 2018** no Taxi or PHC will be accepted for licensing as a Taxi or PHC or as a replacement vehicle for an existing Taxi or PHC licence unless it is a Euro 6.

Any applicant for either the grant or renewal of a taxi or PHC licence may request that a standard condition be disapplied in relation to his/her licence. Where an applicant seeks an exemption from the standard conditions in relation to either the age limitation or emission standards then such applications will be referred to Committee for determination on a case by case basis and it will be for individual applicants to set out their position as to why the conditions should not be applied. In any such case, were an applicant's requests for exemption to be refused then the applicant will be entitled to appeal the Committee's decision to the Sheriff.

## Appendix 2 – Licensing Conditions

### Current Taxi Conditions

256. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a Licensed Vehicle and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.
257. All Licensed Vehicles in Edinburgh must be readily wheelchair accessible

### Proposed Taxi Conditions

Amend Condition 256 as follows:-

Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a Licensed Vehicle and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.

In addition to the above:-

From **7 May 2018** any motor vehicle to be licensed in respect of a new taxi licence or replacement vehicle under an existing taxi licence will require to be a Euro 5 or 6 taxi vehicle

From **1 October 2018** any motor vehicle to be licensed in respect of a new taxi licence or a replacement vehicle under an existing taxi licence will require to be Euro 6 taxi vehicle.

From **1 April 2019** any motor vehicle to be submitted for test in respect of either a new or existing taxi licence will require to be ( or exceed) a Euro 5 taxi vehicle. Any Euro 0-4 taxi vehicle licensed as a taxi prior to 1 April 2019 may continue to operate until that licence expires or 31 March 2020 whichever date is earliest

From **1 April 2020** all Licensed Vehicles must be less than 11 years old from the date of first registration (other than a Licensed Vehicle which has been converted to LPG). A Licensed Vehicle submitted for test in respect of renewal of a taxi licence prior to the 10<sup>th</sup> anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG submitted for test in respect of renewal of a taxi licence prior to the 14<sup>th</sup> anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence:

From **1 April 2022** any motor vehicle to be submitted for test in respect of either a new or existing taxi licence will require to be ( or exceed) a Euro 6 taxi vehicle. Any Euro 5

taxi vehicle licensed as a taxi prior to 1 April 2022 may continue to operate until that licence expires or 31 March 2023 whichever date is earliest

### **Current PHC Conditions**

303. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Community Whole Vehicle Type Approval, and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles, in force at the time of licensing.

### **Proposed PHC Conditions**

Amend Condition 303 as follows:-

Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.

In addition to the above:-

From **7 May 2018** any motor vehicle to be licensed in respect of a new PHC licence or replacement vehicle under an existing PHC licence will require to be a Euro 5 or 6 vehicle

From **1 October 2018** any motor vehicle to be licensed in respect of a new PHC licence or a replacement vehicle under an existing PHC licence will require to be a Euro 6 vehicle.

From **1 April 2019** any motor vehicle to be submitted for test in respect of either a new or existing PHC licence will require to be (or exceed) a Euro 5 vehicle. Any Euro 0-4 vehicle licensed as a PHC prior to 1 April 2019 may continue to operate until that licence expires or 31 March 2020 whichever date is earliest

From **1 April 2020** all Licensed Vehicles, other than a Licensed Vehicle which has been converted to LPG, must be less than 11 years old from the date of first registration. A Licensed Vehicle submitted for test in respect of renewal of a PHC licence prior to the 10<sup>th</sup> anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG and submitted for test in respect of renewal of a PHC licence prior to the 14<sup>th</sup> anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence

From **1 April 2022** any motor vehicle to be submitted for test in respect of either a new or existing PHC licence will require to be ( or exceed) a Euro 6 vehicle. Any Euro 5

vehicle licensed as a PHC prior to 1 April 2022 may continue to operate until that licence expires or 31 March 2023 whichever date is earliest